

Charter Review Committee
September 8, 2016
Meeting Minutes

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2018 JUL -2 AM 8:50

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Members Present: Dennis Perron- Chair
Mark Haddad- Vice Chair
Daryl Rynning- Clerk
Roger Currier- member
Tim McInerny - member
Bob DeToma- member
Don Clark- member

Absent:

Also Present: Listed in document

Meeting Open: 6:30 pm

1. Chairman's Update: Welcome and gave parameters for speaking to the audience. Purpose of the meeting is to hear from the Planning Board Members.
2. Comments from the public: (all comments from the speakers are paraphrased and not exact quotes)

Bob Hassinger Planning Board Member spoke-

- Bob was on the original Charter Commission
- Planning Board is meant to be lay people
- It has 5 elected members and 1 associate member
- They have gone 7-months without an associate in the past

Sargon Hanna commented that associate members can't vote.

- Bob commented he doesn't know why people aren't coming forward to be elected or appointed, maybe they don't know what the board does or maybe they don't hear about the openings.
- Spoke about special permits and how voting on special permits is governed by law- doesn't see how appointing members will change that process.
- Regarding accountability- commented that a recall vote can be taken to vote someone out and/or petition the Superior Court
- There is a perception that something is broken on the Planning Board. Is it appropriate to fix it by making the Planning Board appointed?
- Why do we think we would get better candidates if appointing?
- Perception of many delays however, it is not always the Planning Board's fault- sometimes applicants fail to follow the process or recommendations.
- Feels the Planning Board is doing very well.

- Planning Board is often a stepping stone to other elected boards, especially BOS.

Ray Mead -Town Moderator- spoke

- Understands Charter Committee can't change the Charter to make Town Meeting become Representative Town Meeting
- The Town is running a 53 million dollar business and an extremely low percentage of voters turn out to run that business-- wants people to be aware of the option of becoming Representative for the future. He is sure this type of change will come up again.
- We haven't had any "holds" at Town meeting in quite a while.
- 92% of Shrewsbury's representatives show up for Town meeting (they use Representative town government)
- Wondering if the Charter Committee can at least recommend that the Town look into Representative Town meeting.
- Does State law overrule the Charter? The elected Housing Authority are affected by State law. Dave will get clarity on what state law has been updated.

- Planning board- Elected vs. Appointed- the issues as Dave understands them

1. Getting candidates to run
 2. People think there are unacceptable delays from the Planning Board
 3. Projects bouncing between boards
 4. People think the Planning board oversteps authority
- Why haven't we met with the Planning Board yet? They would love it.
 - Failure to elect has only happened 2 times in 10 years according to Dave's records. There is a system in place to deal with openings when they happen.

The appointment process.

- There can be a quorum problem- however the rules that govern a quorum are dictated by law. Special permits require 4 members and they must have been present for all public hearings regarding the topic. Associate members can step in if they have also attended all public hearings if there is a board member absent.

Dave was asked if lack of quorum happens often.

- He said it is rare. A year ago the Planning Board had to start a process over due to a member being elected to another board.

A motion was made by McNerry and seconded by Haddad to set up a meeting with the full Planning Board. Motion carried 7-0.

Tim volunteered to post the meeting for Sept. 8th the next day.

Tim commented that legislation has been suggested to change the super majority needed for some Planning Board votes and the Mass Municipal Association is for it.

- Dave continued.. Regarding projects bouncing back and forth - this hasn't happened recently.

- He has been on the board 6 years- some projects need to be reviewed by the Conservation Commission
 - There have been statements made that the Planning Board should not interfere with Town voted projects when really the Town should be held to the same standard as everyone else.
 - Elected members can be defeated by Town meeting members.
 - Doesn't think this committee (Charter Review) is the appropriate place to discuss problems with how the Planning Board operates. It would be more constructive for people who have trouble with the Planning to sit down with them and discuss it.
 - Planning Board has a lot of legal responsibility.
 - Should look for ways to improve the Planning Board collaboratively.
 - Applicants are sometimes not responsive to communications and suggestion from the Planning Board. Errors are not always entirely on the Planning Board.
- Currier mentioned that at the last CRC meeting it was discussed to try contacting other Planning Boards to see if they experience the same issues- data not in from this yet.

Perron mentioned accountability of the Planning Board- the Town has no recourse if the Planning Board isn't doing its job other than a recall vote.

Craig Dauphinais of Bruce Street spoke:

- Confirmed that he asked for change in Planning Board from elected to appointed.
 - He asked how many contested elections have happened for boards like the Planning Board, Zoning Board and Board of Health,
 - He made a point about how the BOS and School Committee have many interactions with the voters and effect a broad range of the population in Grafton. And, no-one is going to hear if the Planning Board isn't doing a good job because there is less voter interaction .
 - For Selectman not to reappoint an appointed official there needs to be at least 3 members voting that way.
 - Potential for a bigger talent pool when we have appointments. Planning Board is extremely important and has an impact on the whole Town.
 - There is value to discussing this topic- urged the CRC to check with other Towns that have appointed boards.
 - There needs to be accountability for planning board.
- Perron commented there was the same angst in 1986 when the Board of Health went from elected to appointed.
- BOS doesn't control the BOH or the ZBA, which are appointed boards. They operate under the law and according their board decisions.
 - Balance is needed. Doesn't think there is balance on the Planning Board.

Sargon Hannah of 208 Brigham Hill Rd spoke:

- Just finished up 4.5 years on the Planning Board
- Important board that shapes how the Town gets to look
- Need balance on the board
- Value of appointing is accountability
- Comends members of the Planning Board for the many hours work they put in

Haddad asked how many came forward to be appointed recently?

- More than ran for office

Clark suggested the Planning Board look at its processes

Brook Padgett of 23 North Street spoke:

- Right now no-one seems to run for any board except the BOS
- When the BOH was changed from elected to appointed, Craig supported it, Brook was against it
- Not concerned about the speed with which the Planning Board gets things done, more concerned about qualifications of people running for/being appointed to the board
- Better qualified means better outcomes for the Town
- Gave an example of recent Dunkin Donuts plans not being allowed to have a side-walk but had to have more green space which affected parking
- Discretion could have been used when passing those plans
- Important to look at long term goals and outcomes for the future.

Barry Smith of Garden Street spoke:

- Look at Charter qualifications for Town Administrator and Assistant Town Administrator
- There should be a residency requirement for Town Administrator and Assistant Town Administrator
- When proposing a tax increase, what is good for the goose should be good for the gander
- Sees much value for that position to be living in Grafton
- Assistant Town Administrator should live in Town to stay focused on Town affairs

McInerney commented that it isn't wise to limit qualifications/ restrict to town residency as a qualification. Mentioned we have many qualified residents living in Town currently.

Perron commented restricting qualifications would make it too cumbersome to hire, too restrictive and current state requires a 15 mile radius.

3. General Business:

- a. Review Charter Article 6- passed over this evening
- b. Review Article 7 - passed over this evening.
- c. Meeting Minutes August 4, 2016 Haddad motioned to accept meeting minutes, DeToma second. Motion carries 6-0-1 Clark abstain
- d. Meeting minutes July 21, Haddad motioned to accept, DeToma second. Motion carries 6-0-1 McInerney abstain.
- e. Meeting minutes August 18, Haddad motion to accept, DeToma second. Motion carries 6-0-1 Rynning abstain.

f. General Business Discussion:

- Survey has only had 11 responses. Survey is flawed, people can respond more than once.
- Use Facebook to drive people to the survey.
- Committee is not going to be done with proposal for Charter changes by October Town meeting.
- Need to draw up the whole package and get it to the BOS.
- Proposals will go on Town warrant.
- Would like an opinion from Town counsel on elected vs appointed - also section 7-7 of the Charter clarified
- Can't recommend Representative Town Meeting according to section 40 (3)b- section 10 of Mass General Laws

- 4. Adjournment: 8:02 pm. Currier motioned for adjournment, McInerney second. Motion carries 7-0.



Respectfully Submitted by Daryl Rynning
Citizen email attachments on file